



General Assembly

Distr.: General
3 June 2015

English only

Human Rights Council

Twenty-ninth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

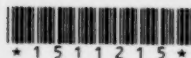
Written statement^{*} submitted by the Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-11215 (E)



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Strengthening the Business and Human Rights Framework: Extraterritorial Obligations and Adoption of a Binding Treaty

I. Introduction

In 1948, the General Assembly adopted the Universal Declaration of Human Rights as a "common standard of achievement of all peoples and nations," which outlined the most basic civil, political, economic, social, and cultural rights that all humans have a right to enjoy. Although the achievement of human rights is theoretically a universal concern of all individuals and entities, international human rights law traditionally only creates duties upon *States* to protect human rights. However, the titanic reach of transnational corporations has raised questions as to (i) whether those duties extend beyond a State's borders and (ii) whether imposing duties upon States alone is sufficient to address the abundant violations caused by corporate conduct.¹

This statement proposes two suggestions for strengthening the current business and human rights framework: first, States should recognize the existence of extraterritorial obligations in order to mitigate protection gaps that frequently affect the world's most vulnerable groups; second, States should support the adoption of a binding treaty on transnational corporations, given that the current framework inadequately protects against human rights abuses caused by business activity.

II. Extraterritorial Obligations Under International Law

The International Covenant on Economic, Social and Cultural Rights sets forth in Article 11: "The States Parties...recognize the right of everyone to an adequate standard of living...including adequate food, clothing and housing, and to the continuous improvement of living conditions."² Additionally, the parties "recognize the right of everyone to...the highest attainable standard of physical and mental health."³ While the State obligation to undertake steps toward achieving progressive realization of economic, social and cultural rights is clear,⁴ questions have been raised as to whether that obligation applies extraterritorially.

The lack of clarification of whether States have a duty to protect beyond their borders has, in the past, caused concern about dangerous protection gaps. In response, the world's human rights experts drafted principles to guide States in their compliance with obligations outside of their jurisdiction.⁵ The result was the issuance of the Maastricht Principles on Extraterritorial Obligations, not as an establishment of new law, but as a clarification of standing human rights principles.⁶ Principle 23 declares, "All States must take action...to protect economic, social and cultural rights of persons within their territories and extraterritorially..."⁷ Moreover, Principle 24 requires States to "take necessary measures to ensure that non-State actors which they are in a position to regulate,...such as...transnational corporations,...do not nullify or impair the enjoyment of economic, social and cultural rights. These include

¹ See UN Guiding Principles on Business and Human Rights, Annex to A/HRC/17/31 (2011), section II ("II. The corporate responsibility to respect human rights"), paras 11-24.

² International Covenant on Economic, Social and Cultural Rights, article 11(1), 993 U.N.T.C. 3 (16 December 1966).

³ *Id.* at article 12(1).

⁴ *Id.* at article 2(1).

⁵ ETO Consortium, *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, p. 3 (2013).

⁶ *Id.* at p. 3.

⁷ Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights, Section IV, Principle 23 (28 September 2011).

administrative, legislative, investigative, adjudicatory and other measures.”⁸ State recognition of the Maastricht Principles is a prerequisite to furthering adequate regulation of global business enterprises. Moreover, the vital role of extraterritorial obligations in shaping the corporate accountability framework cannot be ignored.

III. Adoption of a Binding Treaty on Transnational Corporations

The rise in global scrutiny of corporate conduct has led to various proposals for an adequate regulatory framework.⁹ The Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council (HRC) in 2011,¹⁰ is widely considered the most authoritative UN source in this arena.¹¹ They embody a “Protect, Respect, and Remedy” model, dictating that: 1) States have a responsibility to *protect* human rights; 2) business enterprises are required to *respect* human rights; and 3) rights must be matched by appropriate *remedies* when breached.¹²

Several international legal sources demonstrate that the Principles fall behind the current state of international law on extraterritorial duties;¹³ namely, the State duty to regulate corporations subject to their control.¹⁴ For example, Principle 2 provides that “States should set...the expectation that all [businesses] domiciled in their...jurisdiction respect human rights throughout their operations.”¹⁵ However, the Principle is dangerously qualified by the following:

...States are not generally required under international...law to regulate the extraterritorial activities of businesses domiciled in their...jurisdiction. Nor are they generally prohibited from doing so, provided there is a...jurisdictional basis. Within these parameters some...treaty bodies recommend that...States...prevent abuse abroad by [businesses] within their jurisdiction.¹⁶

In 2014, the HRC adopted a resolution sponsored by Ecuador and South Africa which established a working group mandated to “elaborate an international legally binding instrument to regulate...the activities of transnational

⁸ Id. at Section IV, Principle 24.

⁹ Paula Gerber et. al., *General Comment 16 on State Obligations Regarding the Impact of the Business Sector on Children's Rights: What Is Its Standing, Meaning and Effect?*, 14 Melb. J. Int'l L. 93 (2013).

¹⁰ Human Rights Council, Resolution on “Human rights and transnational corporations and other business enterprises,” A/HRC/17/31 (2011).

¹¹ Olivier De Schutter, *Regulating Transnational Corporations: A Duty under International Human Rights Law*, Contribution of the Special Rapporteur on the Right to Food during the 25th Session of Human Rights Council, p. 1, available at <http://www.ohchr.org/Documents/Issues/Food/EcuadorMtgBusinessAndHR.pdf> (March 2014).

¹² Guiding Principles on Business and Human Rights, *supra* note 1, at p. 6.

¹³ See *Regulating Transnational Corporations*, *supra* note 11 at p. 4; see also The Committee on Economic, Social and Cultural Rights, General Comment 14, *The right to the highest attainable standard of health*, E/C.12/2000/4 at para. 39 (2000) and The Committee on the Elimination of Racial Discrimination, Concluding Observations: Canada, CERD/C/CAN/CO/18 at para. 17 (2007).

¹⁴ Id. at p. 5. Moreover, it is noteworthy that in 2003, the UN Sub-Commission on the Promotion and Protection of human rights adopted Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights Norms, which provided a comprehensive approach to corporate accountability through binding legal obligations and periodic UN monitoring of corporate efforts to investigate human rights violations. However, the failure the UN Commission on Human Rights to ultimately adopt the Norms contributed to a dangerous roll-back on the progression of corporate accountability. See Connie de la Vega, Amol Mehra, & Alexandra Wong, *Holding Businesses Accountable for Human Rights Violations: Recent Developments and Next Steps* at p. 3, available at <http://library.fes.de/pdf-files/iez/08264.pdf> (July 2011).

¹⁵ See Guiding Principles on Business and Human Rights, *supra* note 1.

¹⁶ See Guiding Principles on Business and Human Rights at Commentary to Principle 2, *supra* note 1.

corporations and other business enterprises."¹⁷ The proposal has been embraced by some as a bold effort to strengthen the soft law framework, while others have vowed never to support its inception.¹⁸

An illustrative example of the need for a binding instrument is the Minas Conga mining project in Peru, where expansion of a massive gold and copper mining operation has led to numerous violations since it began in 2011, including the communities' right to free, prior informed consent and to an adequate standard of living.¹⁹

Notwithstanding these and other violations, the Guiding Principles have failed to compel the Peruvian government to intervene on the side of human rights promotion.²⁰ Moreover, although host and home states are responsible for ensuring access to remedy under the Guiding Principles, victims' mistrust of domestic courts, as well as the history of U.S. dismissal of criminal and civil actions against corporate actors operating abroad, make the likelihood of success untenable.²¹

IV. Human Rights Advocates Recommendations

- a. HRA urges the Human Rights Council to:
 - i. Recognize the Maastricht Principles on Extraterritorial Obligations as a valuable tool for shaping transnational corporate accountability, and
 - ii. Support the working group's efforts to elaborate a binding treaty with a view toward strengthening transnational corporate accountability in relation to human rights protection worldwide, and urge the working group to include an accountability mechanism.

¹⁷ Human Rights Council, Resolution on *Elaboration on an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights*, A/HRC/26/22.L/Rev. 1 at para. 1 (25 June 2014).

¹⁸ Shane Darcy, *Academic comments on current key issues in debate over binding treaty on business & human rights*, available at <http://business-humanrights.org/en/academic-comments-on-current-key-issues-in-debate-over-binding-treaty-on-business-human-rights> (15 April 2015).

¹⁹ Cindy S. Woods, "It Isn't a State Problem": *The Minas Conga Mine Controversy and The Need For Binding International Obligations on Corporate Actors*, 46 *Geo J. Int'l L.* 629, 664 (Winter 2015).

²⁰ *Id.* at p. 667-78.

²¹ *Id.* at p. 671. Newmont, the mining company that owns and operates the project, is a U.S.-based company.



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Twenty-ninth session

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Human rights situations that require the Council's attention

Written statement^{*} submitted by the Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-11216 (E)



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Joint Military Coalition in the Republic of Yemen Must Adhere to Principles of International Humanitarian Law

Alsalam Foundation, in coordination with Americans for Democracy and Human Rights in Bahrain and the Bahrain Institute for Rights and Democracy, would like to take the occasion of the 29th Session of the Human Rights Council to discuss the ongoing violence in the Republic of Yemen. A joint military force led by the Kingdom of Saudi Arabia has recently intervened in the conflict, exacerbating an extant humanitarian crisis and further endangering Yemeni civilians. We call on the members of this coalition, and in particular Saudi Arabia, to ensure that coalition forces conduct operations in strict accordance with international law, and we request that the international community take efforts to monitor coalition adherence to humanitarian principles.

In March 2015, Saudi Arabia organized a coalition of nine Arab countries with the stated purpose of intervening in the Yemeni civil war and restoring the government of deposed President Abd Rabbu Mansour Hadi. Soon after, a joint military force composed of troops from Saudi Arabia, Bahrain, Egypt, Morocco, Jordan, Sudan, Kuwait, Qatar, and the United Arab Emirates began operations in the Republic of Yemen. The first phase of the operations, entitled Decisive Storm, consisted of a sustained aerial campaign. At its height, the coalition launched more than a 100 sorties a day.¹ Saudi Brigadier General Ahmed bin Hasan Asiri, the spokesperson for the coalition, has stated that approximately 70% of the airstrikes have been conducted by Saudi Arabia.²

Operation Decisive Storm came to an official close on 21 April, but the second phase of the coalition's intervention, Operation Renewal of Hope, has proven to be just as destructive. Over two weeks since Saudi officials announced an end to the campaign, coalition air forces have sustained almost the same level of activity; on 3 May, bystanders and officials witnessed more than 150 airstrikes hit the Aden airport alone.³ On 1 May, a coalition bombing run killed at least 17 people, including four children and nine women. The World Health Organization reports that since the intervention began in March, at least 1,244 Yemenis have died and an additional 5,044 were injured.⁴ With no end in sight, coalition operations threaten to impact millions more. The coalition's systematic targeting of infrastructure – what limited infrastructure still functions in a country teetering on the edge of famine – threatens to exponentially hasten the complete collapse of the Yemeni state.

The coalition's air campaign has accomplished the further isolation of Yemeni civilians. In its indiscriminate and haphazard use of force, the campaign has bombed camps for internally displaced persons,⁵ residential areas,⁶ schools,⁷

¹ Al Arabiya: "Saudi-led coalition launches 100 air sorties in 24 hours." (Al Arabiya: 17 April, 2015). Retrieved from: <http://english.alarabiya.net/en/News/middle-east/2015/04/17/Saudi-spokesman-holds-daily-brief-on-Yemen-strikes.html>

² Maria abi-Habib: "Saudi-led Coalition Accused of Using U.S.-Supplied Cluster Munitions in Yemen." (The Wall Street Journal: 3 May 2015). Retrieved from: <http://www.wsj.com/articles/saudi-led-coalition-accused-of-using-u-s-supplied-cluster-munitions-in-yemen-1430637102>

³ Al Jazeera: "Airstrikes hit Yemen airports as Saudis ponder ceasefire." (Al Jazeera: 5 May 2015). Retrieved from: <http://america.aljazeera.com/articles/2015/5/4/airstrikes-hit-yemen-airports-as-saudis-ponder-cease-fire.html>

⁴ Abi-Habib (2015).

⁵ Lizzie Dearden: "Saudi Arabia accused of killing 40 including children in air strike on Yemen refugee camp." The Independent. Accessed 20 April 2015. <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-accused-of-killing-40-including-children-in-air-strike-on-yemen-refugee-camp-10145294.html>.

⁶ "Aid agency Oxfam condemns Saudi air strike in Yemen." Reuters. Accessed 20 April 2015. <http://www.reuters.com/article/2015/04/20/us-yemen-security-humanitarian-idUSKBN0NB0DX20150420>.

⁷ UN High Commissioner for Human Rights Prince Zeid Ra'ad Al Hussein: "Yemen: Zeid calls for investigations into civilian casualties." The United Nations Office for the High Commissioner for Human Rights. 14

and medical⁸ and aid facilities.⁹ According to OHCHR, by the end of April the coalition had destroyed at least eight operational hospitals.¹⁰

Moreover, coalition forces have repeatedly targeted crucial transportation hubs like airports and shipping harbors, effectively blockading the country from the air and sea.¹¹ For Yemeni civilians, who import most of their essential resources like fuel and 90% of their already insufficient food supply, the results have been devastating.¹² WFP states that its monthly fuel requirements have risen from 40,000 liters to over a million liters.¹³ The ensuing fuel shortage has made transporting aid by land routes not just dangerous, but practically impossible. As a consequence, what few medical facilities have survived the airstrikes are rapidly running out of both power and supplies.¹⁴

Humanitarian organizations have not just been crippled by war-inflicted scarcity; they have been targeted by the air campaign. In one instance, coalition forces struck an OXFAM warehouse filled with humanitarian aid, killing a nearby individual. As the organization has disclosed all its the location of all its sites to Saudi authorities, Human Rights Watch has concluded that the incident constitutes an "apparent violation of the laws of war".¹⁵

These concerns have been amplified by the coalition's alleged use of American-made cluster munitions.¹⁶ Indiscriminate weapons that disproportionately kill and maim civilians, cluster munitions are banned by 116 of the world's nations under the 2008 Oslo Process.¹⁷ Although Saudi Arabia and the United States are not signatories to the Convention on Cluster Munitions, the former has denied their use in Yemen, and the latter has barred their export for use in civilian areas.¹⁸

We are deeply concerned that coalition attacks on civilian, medical, and aid centers constitute a significant violation of international humanitarian law, and could potentially rise to the level of war crimes committed against the civilian and refugee populations in Yemen. According to the Geneva Conventions, which is part of customary international law, and which all members of the coalition have universally ratified, the coalition is required to conduct hostilities in a manner that targets only legitimate military objectives, without engaging in indiscriminate attacks or the intentional targeting of civilian populations. Additionally, the coalition must pay special respect towards medical practitioners, neither interfering with a health care worker's duty to treat any and all persons associated with the conflict nor targeting a health care worker in retaliation against his or her provision of aid for combatants associated with an opposing party.

April 2015. Accessed 20 April 2015.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15836&LangID=E>.

⁸ BBC. "Yemen conflict: Dozens killed in Saudi-led air strikes" (BBC: 21 April 2015). Retrieved from <http://www.bbc.com/news/world-middle-east-32394471>

⁹ Reuters. "Aid agency Oxfam condemns Saudi air strike in Yemen" (Reuters: 20 April 2015). Retrieved from <http://www.reuters.com/article/2015/04/20/us-yemen-security-humanitarian-idUSKBN0NB0DX20150420>

¹⁰ UNHCHR Prince Hussein. (2015).

¹¹ Patrick Cockburn. "Yemen crisis: Terrified citizens caught between Saudi Arabia and Iran as air strikes and blockade threaten humanitarian disaster for millions." (The Independent: 1 May 2015). Retrieved from: <http://www.independent.co.uk/news/world/middle-east/yemen-crisis-terrified-citizens-caught-between-saudi-arabia-and-iran-as-air-strikes-and-blockade-threaten-humanitarian-disaster-for-millions-10220087.html>

¹² World Food Programme. "WFP Emergency Food Distributions Come To A Halt In Yemen Due To Severe Fuel Shortages." (WFP: 30 April 2015). Retrieved from: <https://www.wfp.org/news/news-release/wfp-emergency-food-distributions-come-halt-yemen-due-severe-fuel-shortages>

¹³ Reuters. "Aid agencies warn fuel shortages may end their work in Yemen." (Reuters: 6 May 2015).

¹⁴ Ibid.

¹⁵ Human Rights Watch. "Yemen: Warehouse Strike Threatens Aid Delivery." (HRW: 23 April 2015). Retrieved from: <http://www.hrw.org/news/2015/04/22/yemen-warehouse-strike-threatens-aid-delivery>

¹⁶ Abi-Habib. (2015).

¹⁷ Human Rights Watch. "Yemen: Saudi-led Airstrikes Use Cluster Munitions." (HRW: 3 May 2015). Retrieved from: <http://www.hrw.org/news/2015/05/03/yemen-saudi-led-airstrikes-used-cluster-munitions>

¹⁸ Abi-Habib. (2015).

The coalition must specifically refrain from the targeting of hospitals and ambulances, and allow medical practitioners to fulfill their duties without the threat of attack from coalition forces.

In light of substantial evidence that many of these principles have been ignored, we must strongly urge the coalition governments to extend the impending ceasefire in Yemen, and to guarantee that any further military action adheres to the provisions of international humanitarian law. The coalition must respect its commitments towards civilians, medics, and aid workers caught in the conflict, and cease the targeting of civilian and refugee population centers and medical treatment and aid facilities. Furthermore, we ask that coalition forces take steps to facilitate the safe transit and operation of medical practitioners in the area, and to both allow and expedite their access to areas in which their services are required.

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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non- governmental organization in special consultative status

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[19 May 2015]

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GE.15-11186 (E)



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Kingdoms of Bahrain and Saudi Arabia Should End Human Rights Violations

Americans for Democracy & Human Rights in Bahrain, an organization in consultative status with UN-ECOSOC, would like to use the occasion of the 29th Session of the Human Rights Council to call attention to the Kingdom of Bahrain and the Kingdom of Saudi Arabia's continued violations of both human and civil rights. In the past few months, Saudi Arabia and Bahrain have acted to increase limits on free speech and freedom of expression while simultaneously engaging in policies of systematic torture and repression.

The human rights situation in Bahrain continues to deteriorate as the government maintains oppressive laws, erasing political dissent and further shrinking the space in which civil society may function. These laws include, the 2002 Press Law, which allows Bahrain to arrest and imprison journalists who criticize the king, and a 2014 libel law, which criminalizes any insult against the king, limit the opportunity for true political discourse. The anti-terrorism law, an amendment of which passed late last year, gives government security officers the power to persecute acts of political dissent in an ostensible fight against terrorism. A 2013 law banned all protests throughout all of Bahrain, and authorities continue to arrest political leaders, journalists and activists in relation to such demonstrations. In December 2014, Bahraini officials utilized the country's oppressive legal system to arrest Sheikh Ali Salman, the leader of the opposition party *al-Wefaq*, on charges of inciting hatred against the government and engaging in illegal protest. He remains in prison amid numerous trial delays. Authorities also arrested Hussain Jawad, a human rights defender and protest organizer, in February, charging him with "collecting money from abroad and Bahrain to aid and abet saboteurs." Mr. Jawad, still in prison awaiting trial, claims that he has suffered physical and psychological torture in captivity.

In April, Bahraini authorities brought new charges against Nabeel Rajab, a prominent Bahraini human rights defender, the president of the Bahrain Center for Human Rights (BCHR), and Deputy Secretary General of the International Federation for Human Rights (FIDH). A constant target of government persecution, Rajab was arrested in October after returning from the 27th Session of the Human Rights Council. In January, a Bahraini court sentenced Mr. Rajab to six months imprisonment for "insulting a government institution" after tweeting news of former Bahraini security officers joining ISIS. Mr. Rajab is under a travel ban during his appeal process, which Bahraini courts have delayed several times. On 2 April, Bahraini authorities arrested Mr. Rajab once more, charging him with posting "information that could incite others and disrupt civil peace" and "illegally defaming a statutory body" after he published tweets condemning violent attacks on inmates in Jaw Prison and criticizing Bahrain's involvement in the war in Yemen. Facing up to 10 years in prison for these two tweets, Bahraini authorities have kept Mr. Rajab in solitary confinement, where he currently awaits his trial.

While recent cases like Mr. Rajab's may be at the forefront of the conversation surrounding Bahrain's arbitrary detentions, many persons arrested after the protests in 2011 remain in prison and continue to face ill treatment and poor living conditions. The Bahrain 13, a group of prominent activists, human rights defenders medical professionals, teachers, and religious and political leaders, continue to suffer in prison, all claiming torture and ill treatment at the hands of Bahraini prison authorities. Bahraini courts sentenced the Bahrain 13 on charges that related to speech and political assembly, and condemned seven of the individuals to life in prison for "plotting to topple the government." One of those serving a life sentence, human rights defender and blogger Dr. Abduljalil Singace, recently began a hunger strike to protest poor prison conditions and severe overcrowding. Dr. Singace, who suffers partial paralysis from polio as well as other health complications, has been denied appropriate medical care, and his health continues to deteriorate.

Bahraini prisons continue to be the site of substantial human rights abuses. In responding to a 10 March prison riot over the effects of overcrowding and over-incarceration, Bahraini authorities engaged in the excessive use of force, allegedly attacking prisoners with rubber bullets, tear gas, and shotguns. Several of the attacks appear to have taken place in buildings that house minors, and leaked photos from the prison display numerous injuries to the prisoners, many of which required immediate medical attention. Afterwards, prison authorities placed prisoners in small outdoor tents and

denied them access to toilets and showers for days. They took many of the inmates to Building 10, where they engaged in mass beatings and torture. In the time since the initial assault, prisoners continue to allege that Jau prison staff has maintained a policy of systematic torture and abuse. Authorities have yet to conduct an independent investigation into the events of 10 March, and group and individual punishment reportedly continues.

In February 2012, Bahrain established the Office of the Ombudsman for the Ministry of the Interior (MOI) with the objective of ensuring that employees of the Bahraini MOI interacted with the public and with prisoners in a manner that is respectful of human rights. While the Ombudsman is meant to curtail human rights abuses perpetrated by MOI employees, evidence suggests that the office has actively worked to perpetuate abusive practices. Over the last few months, ADHRB has received reports that government security forces have engaged in acts of retaliatory abuse and torture against persons that complain to the Office of the Ombudsman. ADHRB's own investigations into the Ombudsman's activities reveal an organization complicit in human rights abuses and consistently unwilling to investigate reports of government misconduct.

Saudi Arabia has similarly escalated state-sponsored repression, significantly increasing its use of capital punishment to punish dissent. In October 2014, a Saudi court sentenced Sheikh Nimr al-Nimr, a prominent peaceful opposition activist, to death on charges of fomenting dissent and disloyalty to the government. Saudi authorities additionally convicted Raif Badawi, a Saudi blogger who wrote about respecting differences in religion and opinion, for "insulting Islam", and sentenced him to 10 years imprisonment and 1,000 lashes. Independent observers believe that Badawi will die if his sentence is fully implemented.

The Saudi criminalization of dissent has had a deleterious effect on the health of civil society in the country. In March 2013, Saudi authorities forcibly closed the Saudi Civil and Political Rights Association, imprisoning eight members of the group on charges including "questioning the integrity of officials" and "breaking their allegiance." Saudi courts sentenced Waleed Abu al-Khair, the head of Monitor of Human Rights in Saudi Arabia, to 15 years imprisonment for, among other charges, "inciting public opinion" and "insulting the judiciary." Many women's rights activists in Saudi Arabia are also targeted for advocating against the male guardianship law, which prohibits women from marriage, divorce, and travel without permission from a male guardian. In December 2014, in retaliation against her peaceful advocacy for human rights in the Human Rights Council, the Saudi Ministry of the Interior issued a travel ban on activist Samar Badawi. She has yet to be able to leave the country.

The Kingdoms of Bahrain and Saudi Arabia have failed to make any progress in recognizing and observing human rights. We therefore call on the international community to expose and address the persistent human rights abuses present in these countries. We hope that the international community's renewed and continued pressure will encourage the governments of Bahrain and Saudi Arabia to implement meaningful reforms and end their campaigns of violence against peaceful demonstrations of dissent.



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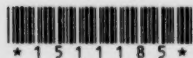
Written statement* submitted by the International Federation of University Women, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-11185 (E)



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Full Realisation of the Right to Education for Girls and Women

The International Federation of University Women (IFUW) is based in Geneva, Switzerland, and has an international membership. Founded in 1919, IFUW is the leading girls' and women's global organisation advocating for women's rights, equality and empowerment through access to lifelong, quality education and training up to the highest levels. IFUW promotes education across four key areas: secondary education; tertiary education; continuing education; and non-traditional education.

The Background

The human right to education is unequivocally enshrined in core international agreements and treaties including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Discrimination in Education, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination Against All Forms of Racial Discrimination, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Human Rights Council has also repeatedly promoted the right to education, beginning with the 2008 Resolution 8/4, which *inter alia* emphasises the right to education for girls and persons belonging to vulnerable groups. The Council has since adopted several follow-up resolutions on education including Resolutions 11/6, 15/4 and 17/3, calling on states to significantly accelerate their commitments to realise the goals set out in the Education for All agenda.

The issue

Despite the widespread global recognition of the right to education, the international community as a whole is not on track to meet the most fundamental education target of achieving universal primary education. Fifty-eight million children of primary school age and sixty-three million adolescents are not in school today, the majority of whom are girls.¹ The gender gap in accessing and completing quality education is clearly illustrated by female illiteracy rates: almost two thirds of the seven hundred and eighty one million illiterate people in the world are women,² seventy-six million of whom are girls aged 15-24 years.³ IFUW believes that literacy is more than just an exclusive privilege for the world's wealthy. Literacy is a fundamental life skill and a key component of the right to education; it is the cornerstone of personal autonomy, social inclusion and economic empowerment. Full realisation of the human right to education, however, must extend beyond the provision of basic literacy and numeracy skills developed at primary level, and should also include critical life skills including financial and digital literacy.

Poverty and illiteracy are not the only hurdles facing girls and women in their pursuit of equal access to quality education, in particular secondary education. Other barriers include:

- Harmful practices that specifically target girls and adolescent young women including early, forced and child marriages, which often see the young brides removed from education;
- Threats of physical or sexual violence, bullying or harassment, while travelling to or from school or while on school premises;
- A lack of suitable and safe sanitation facilities, which often result in girls staying at home during menstruation;
- Living in conflict zones: where instruction may have been suspended, where it is unsafe to access schools or where students have been displaced;
- A need to travel significant distances to reach secondary school, particularly in rural areas;

¹ UNESCO Education for All Global Monitoring Report *Education For All 2000-2015: Achievements and Challenges*, April 2015.

² UNESCO Institute for Statistics Fact Sheet *Adult and Youth Literacy*, September 2014.

³ UNESCO *Literacy rates are rising, but women and girls continue to lag behind*, 6 September 2013.

- Curricula that do not meet the specific linguistic or other needs of girls from certain vulnerable groups, including ethnic and indigenous minorities;
- Multiple barriers to the education of disabled girls, including inaccessible or difficult to access premises and facilities, as well as ill-adapted teaching methods;
- A shortage of female teachers or female-only schools in places where sex segregation is required for girls to attend schools; and
- Cultural prejudice regarding the role of women in society that prevents girls from accessing education due to a responsibility to undertake domestic duties and caregiving.

IFUW's position and recommendations

IFUW affirms and emphasises the right to education as a standalone international human right and an enabler of numerous other human rights, which must be promoted, protected and provided to all people without discrimination. Education is a catalyst for multisector socio-economic progress including:

- enhancing sustainable development;
- fostering fiscal growth;
- combatting poverty;
- eradicating illiteracy; and
- promoting tolerance and peace.

There is a concrete and direct correlation between the most fundamental human right of all – the right to life – and its intrinsic connection with the right to education. By providing mothers with a primary level education, maternal death rates would fall by two thirds – saving almost one hundred thousand lives.⁴ Extending this paradigm to include mothers with a secondary education, child deaths would be reduced by half, saving a further three million lives.⁵

IFUW strongly shares the position of the Special Rapporteur on Education that primary education is not enough: *To ensure that education is relevant and useful, education goals in the post-2015 development agenda should have the objective of achieving by 2030 universal secondary-level education for all, with vocational and technical education and training as an integral part in order to respond to the rising aspirations of youth and to meet the critical challenges of an increasingly globali[s]ed economy.*⁶ IFUW sees access to, and completion of, quality secondary education as a critical means to empower girls and women by providing them with the skills and knowledge – academic, social and personal – that they will need to progress further in higher education, work and society.

To strengthen the human right to education, in particular for girls and women, IFUW recommends:

- All states should sign, ratify and implement in national law **all** international human rights treaties, recognising that human rights are universal, inalienable, indivisible, interdependent, and interrelated;
- All stakeholders and policy makers, especially within the fields of education and international development, should adopt, implement, accelerate, and adequately finance measurable plans of action to increase access to, and completion of, all levels of education for all people. This includes full multistakeholder, multilateral commitment to implementing the post-2015 agenda and the Sustainable Development Goals, in particular Goal 4 (education) and Goal 5 (gender equality);
- Particular commitment and tailored support should be guaranteed for at-risk groups to access education, especially girls and women with disabilities, those of rural, indigenous or migrant background, and those displaced by war;

⁴ UNESCO Education for All Global Monitoring Report Fact Sheet *Girls' education – the facts*, October 2013.

⁵ UNESCO Education for All Global Monitoring Report Fact Sheet *Girls' education – the facts*, October 2013.

⁶ Report of the Special Rapporteur on the right to education, Kinshore Singh – Report on the Post-2015 Education Agenda. UN Doc. A/68/294, 9 August 2013.

- To ensure continued progress in knowledge dissemination and innovation, and to bridge both gender and poverty gaps, states must recognise the lifelong nature of learning for girls and women, which critically includes secondary, tertiary, continuing, and non-traditional education;
 - States and education sectors should prioritise the implementation of universal access to free, quality secondary education, including by providing financial incentives and support to keep girls from the poorest families in school;
 - Local, national and international literacy campaigns should be launched to combat global illiteracy. Specific, relevant and measurable targets are critical to effectively monitor implementation and progress. In the face of modern-day technological advancements and necessities, literacy must include financial and digital literacy, as well as functional competencies of reading, writing and numeracy. States should invest in the compilation, publication and dissemination of gender- and age-disaggregated data that evaluate literacy levels of all its population. Literacy should also be assessed along a continuum, as supported by UNESCO;
 - Local and national governments, education, health, and justice sectors and international policy makers must prioritise the vulnerable situation of the girl child in public policy campaigns and actions at all levels. States should introduce and implement relevant national legislation, with particular emphasis on combatting child, early and forced marriage, and should ratify international commitments such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage; and
 - Human rights education must also be introduced, both institutionally at schools and informally within communities, in order to raise awareness of the rights of all individuals and the responsibilities of states. Men and boys must be included in all dialogue on human rights education, where both genders should be encouraged to work together as partners and not adversaries.
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